

# MEMO ENDORSED

August 8, 2022

## SUBMITTED VIA ECF AND EMAIL

The Honorable Katherine Polk Failla  
United States District Judge  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *LCM XXII Ltd., et al. v. Serta Simmons Bedding, LLC*, No. 1:21-cv-03987 (KPF) (SDNY)

Dear Judge Failla:

Pursuant to Section 2.D of your Honor’s Individual Rules of Practice in Civil Cases, the parties in the above-captioned action jointly respectfully request that the Court extend the deadlines under the Civil Case Management Plan and Scheduling Order (“CMO”) [ECF # 42] by thirty (30) days to allow the parties to complete fact discovery.

Since May 31, 2022, the parties have been engaged in document discovery and have made rolling document productions. Following a series of meet and confers, the parties each recently agreed to include supplemental search terms in their respective search term protocols as provided for in the Stipulation and Order Regarding Discovery of Electronically Stored Information [ECF # 47]. The parties respectfully request an extension of the deadlines in the CMO to allow the parties sufficient time to review and produce additional responsive documents hitting on these supplemental search terms, and to ensure sufficient time to conduct fact depositions. This is the parties’ first request for an extension of the deadlines in the CMO.

Accordingly, the parties respectfully request that the forthcoming close of fact discovery be extended to December 15, 2022, and that all corresponding deadlines in the CMO be extended by thirty (30) days as follows:

| <u>Stage</u>                             | <u>Current CMO Deadline</u> | <u>New Proposed Deadline</u> |
|--|-----------------------------|------------------------------|
| Interrogatory Service Deadline           | October 14, 2022            | November 14, 2022            |
| Requests for Admissions Service Deadline | October 14, 2022            | November 14, 2022            |

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| <u>Stage</u>                           | <u>Current CMO Deadline</u> | <u>New Proposed Deadline</u> |
|--|-----------------------------|------------------------------|
| Completion of Fact Witness Depositions | November 15, 2022           | December 15, 2022            |
| Close of Fact Discovery                | November 15, 2022           | December 15, 2022            |
| Close of Expert Discovery              | February 17, 2023           | March 17, 2023               |

Attached hereto as Exhibit A is a chart outlining the new proposed deadlines for the additional interim discovery deadlines previously agreed to by the parties and submitted to the Court in advance of the entry of the CMO [ECF # 41-2].

The parties will be prepared to appear at the pretrial conference presently scheduled for November 29, 2022, or on another date to be determined by the Court.

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Dated: August 8, 2022  
New York, New York

Respectfully submitted,

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Application GRANTED. The deadlines articulated in the Court's Order at docket number 42 are hereby extended by 30 days, as outlined in the table above. Further, the pretrial conference scheduled for November 29, 2022, is hereby ADJOURNED to January 6, 2023, at 3:00 p.m. The Clerk of Court is directed to terminate the pending motion at docket number 49.

Dated: August 9, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE